IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14932 of 2005

Between:

Mohd. Haniff, S/o. Wahed Ali,
R/o. H.;No. 280, Kannala Village, Taj Tandoori Daba, Near Fly Over Bridge,
Bellampally Post, Adilabad District, Pin 504 251.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Bellampally, Adilabad District.
2 The District Collector, Adilabad District, at Adilabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue writ or order direction more particularly one in the nature of writ of certiorari calling for all the connected records including the impugned notice of the first respondent in Form I bearing No.B/773/05 dt. 28.4.2005 and quash the same as illegal, improper, unjust and without jurisdiction.

Counsel for the Petitioner: MR.SURENDRA DESAI

Counsel for the Respondent Nos. 1 & 2: GP FOR REVENUE

The Court, at the stage of admission, made the following:

Oral order:-

This writ petition is filed against the notice issued in Form –I of the 1st respondent under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 stating that the petitioner was found to have been in illegal possession of assigned lands in an extent of Ac. 1-20 cents in survey No. 112 of Kannal village in contravention of the provisions of Sub-section (2) of Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 and directing the petitioner to show cause, within fifteen days, as to why he should not be evicted from the lands and the crop or other product raised on the land should not be forfeited.

The petitioner states that he purchased the land in an extent of Ac. 2-00 situated in S.No. 18 (now S.No. 112) of Kannala village, Asifabad taluk for a consideration of Rs.500-00 per acre on 07-05-1973 from one Tippara Veni Ramayya. Subsequently, it is stated, the petitioner had sold Ac.0-80 cents of land to one of his relative Mohd. Fiaz in the year 1973 itself. The petitioner is stated to have been in possession of the land in an extent of Ac.1-20 and cultivating the same. The petitioner also obtained patta passbook and Record of Rights Title Book No. 242 pursuant to the regularization of sale deed/alienation.

In response to the impugned notice, it is stated, the petitioner submitted a representation dated 06-06-2005 to the 2nd respondent which in turn forwarded to the 1st respondent. Pending consideration of the representation of the petitioner, apprehending that the petitioner may be evicted from the land in question, the petitioner has approached this court.

Considering the facts and circumstances of the case and as the very matter is

pending consideration before the 1st respondent, I deem it appropriate to dispose of the writ petition directing the 1st respondent – The Mandal Revenue Officer -- to consider and dispose of the representation dated 06-06-2005 of the petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to evict the petitioner from the land in question.

Accordingly, the writ petition is disposed of. No costs.

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ELIPE DHARMA RAO, J

Dt. 13-07-2005

Pvks/*

Nb: Office to furnish c.c. in three days.

(B/o pvks)

To

1 The Mandal Revenue Officer, Bellampally, Adilabad District.
2 The District Collector, Adilabad District, at Adilabad.

3. 2 CCs., to the learned Government Pleader for Revenue, A.P. High Court Buildings, Hyderabad (OUT).

4. 2 CD copies

*Form-NIC-OGS/WP{**JGK**}*